

EXHIBIT “A”

MONROE COUNTY CLERK'S OFFICE

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Control #: 202101090048

Index #: E2021000196

Date: 01/09/2021

Time: 10:27:30 AM

Return To:
VAN HENRI WHITE

Whitfield, Ebony

PrimeCare Medical Inc.

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: MJ
Total Fees Paid:	\$210.00	

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

EBONY WHITFIELD
AS ADMINISTRATRIX OF THE ESTATE OF
ROXANNE WHITFIELD-ODLE

Plaintiff,

SUMMONS

vs.

Index No:

PRIMECARE MEDICAL INC.,

Defendant.

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED TO ANSWER THE COMPLAINT IN THIS ACTION AND TO SERVE A COPY OF YOUR ANSWER, OR, IF THE COMPLAINT IS NOT SERVED WITH THIS SUMMONS, TO SERVE A NOTICE OF APPEARANCE ON THE PLAINTIFF'S ATTORNEY WITHIN 20 DAYS AFTER THE SERVICE OF THIS SUMMONS, EXCLUSIVE OF THE DAY OF SERVICE (OR WITHIN 30 DAYS AFTER THE SERVICE IS COMPLETE IF THIS SUMMONS IS NOT PERSONALLY DELIVERED TO YOU WITHIN THE STATE OF NEW YORK), AND IN CASE OF YOUR FAILURE TO APPEAR OR ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU BY DEFAULT FOR THE RELIEF DEMANDED IN THE COMPLAINT.

FURTHER PLAINTIFF DESIGNATES ROCHESTER, NEW YORK AS THE PLACE OF TRIAL. THE BASIS OF VENUE IS THE PLAINTIFF'S RESIDENCE. THE PLAINTIFF IS SEEKING MONETARY COMPENSATION.

DATED: January 8, 2021

/s/ Van Henri White

VAN HENRI WHITE, ESQ.
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STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

EBONY WHITFIELD
AS ADMINISTRATRIX OF THE ESTATE OF
ROXANNE WHITFIELD-ODLE

Plaintiff,

COMPLAINT

vs.

Index No:

PRIMECARE MEDICAL INC.,

Defendant.

Ebony Whitfield (hereinafter the “Plaintiff”) complaining of the above captioned Defendants by her attorney, Van Henri White Esq., respectfully alleges:

1. The Plaintiff is a resident the City of Rochester and the State of New York.
2. That at all times hereinafter mentioned, the PrimeCare Medical Inc. (hereinafter referred to as “the Defendant”) was and still is a domestic corporation, doing business, and duly organized and existing under and by virtue of the laws of the State of New York.
3. Upon information and belief, that at all times hereinafter mentioned, the Defendant employed the health care staff, and others referred to in this Complaint.
4. The Plaintiff” is the daughter of Roxanne Whitfield-Odle.
5. On or about June 14, 2018, employees of the Defendant took Roxanne Whitfield-Odle endeavored to provide medical care to Roxanne Whitfield-Odle – who at the time was being held in custody in the Monroe County Jail, which is located in Rochester, New York.
6. At the time they began to provide medical care for Roxanne Whitfield-Odle, the Defendant, its employees and agents were aware (or should have been aware) of the fact that

Roxanne Whitfield-Odle had numerous health related concerns – including but not limited to asthma, high blood pressure, bipolar disorder, complex partial seizures, throat cancer, fibromyalgia, acid reflux, and a past history of strokes, etc.

7. Additionally, the Defendant should have known that Roxanne Whitfield-Odle had certain prescribed medications (including, but not limited to, high blood pressure and asthma medication) that she had to take in order to effectively address these various medical concerns.

8. Unfortunately, during the course of her stay at the Monroe County Jail, the Defendant (their employees and/or agents) failed to ensure that Roxanne Whitfield-Odle received her required medication.

9. More generally, during her stay at the Monroe County Jail, the Defendants, their agents, and employees failed to provide the acceptable standard of care to Roxanne Whitfield-Odle insofar as they failed to ensure that she was accurately diagnosed and treated for the variety of ailments which she had.

10. Indeed, over the course of approximately one-weeks' time, the Defendant (its employees and agents) had several warnings that Roxanne Whitfield-Odle's health was failing and severely compromised. During this period, Roxanne Whitfield-Odle experienced serious physical pain and considerable emotional stress. Despite those warning signs, the Defendants failed to ensure that timely and appropriate medical care was available to Roxanne Whitfield-Odle.

11. On July 7, 2018, because of the Defendant's negligence, Roxanne Whitfield-Odle died.

12. On August 7, 2019, the Honorable John M. Owens, Judge of the Monroe County Surrogate's Court, granted Letters of Administration to the Plaintiff Ebony Whitfield.

13. Upon information and belief, that at all times hereinafter mentioned, the Defendant, offered to render competent and adequate medical services of its medical personnel and held themselves out to be able to furnish adequate and competent medical attention and care.

14. Upon information and belief, that at all times hereinafter mentioned, the Defendant controlled and supervised the health care professionals (including doctors, nurses, interns, residents, therapists, technicians, servants), employees, deputies, and other personnel in and about the Monroe County Jail where the Plaintiff was in custody.

15. Moreover, these employees and agents held themselves out to the public generally, and more particularly to the Plaintiff, as possessing the proper degree of learning, skill, knowledge, and ability as is typical for similar health professionals specializing in the community wherein, they practice their profession.

16. That the diagnosis and treatment rendered by the Defendant and its employees was not in accordance with the proper medical practice that is generally recognized in this community.

17. Furthermore, the Defendant's care and treatment for the Plaintiff was wanton, reckless, and was conducted in callous disregard for the Plaintiff's health, life and constitutional rights.

18. That the Defendant, their agents, servants and/or employees, caused, allowed, treated, permitted, and used certain medical procedures, tests, chemical agents, and drugs, which caused Roxanne Whitfield-Odle to suffer agonizing pain and, ultimately, her death.

19. More specifically, the Defendant, its agents, servants and/or employees knew or should have known that the failure to properly monitor and manage Roxanne Whitfield-Odle various health care issues would jeopardize Ms. Roxanne Whitfield-Odle health.

20. Roxanne Whitfield-Odle was not responsible for the pain and suffering that she had to endure and experience.

21. Overall, the Defendant's agents, servants and employee's actions:

- A. amounted to Medical Malpractice;
- B. caused the Wrongful Death of Roxanne Whitfield-Odle.

WHEREFORE, Plaintiff demands judgment against the Defendant, on the lawsuit described above, for a sum that exceeds the jurisdictional amount of the courts below and for costs and disbursements.

Dated: January 8, 2021

/s/ Van Henri White

VAN HENRI WHITE
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STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

EBONY WHITFIELD
AS ADMINISTRATRIX OF THE ESTATE OF
ROXANNE WHITFIELD-ODLE

Plaintiff,

CERTIFICATE OF MERIT

vs.

Index No:

PRIMECARE MEDICAL INC.,

Defendant.

I, Van Henri White, attorney for the Plaintiff, do hereby certify that I have reviewed the facts of this case and have consulted with at least one licensed physician, who I reasonably believe is knowledgeable in the relevant issues involved in this particular action, and that I have concluded on the basis of that review and consultation that there is a reasonable basis for the commencement of this action.

Dated: January 8, 2021
Rochester, New York

/s/ Van Henri White

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